



General Assembly

January Session, 2011

Committee Bill No. 5491

LCO No. 2580

02580HB05491PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

**AN ACT CONCERNING THE POWERS OF CERTAIN UNITED STATES
SECRET SERVICE AGENTS AND OFFICERS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsections (a) and (b) of section 53a-19 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2011*):

4 (a) Except as provided in subsections (b) and (c) of this section, a
5 person is justified in using reasonable physical force upon another
6 person [to defend himself or] in self-defense or in defense of a third
7 person from what he or she reasonably believes to be the use or
8 imminent use of physical force, and he or she may use such degree of
9 force which he or she reasonably believes to be necessary for such
10 purpose; except that deadly physical force may not be used unless the
11 actor reasonably believes that such other person is (1) using or about to
12 use deadly physical force, or (2) inflicting or about to inflict great
13 bodily harm.

14 (b) Notwithstanding the provisions of subsection (a) of this section,
15 a person is not justified in using deadly physical force upon another

16 person if he or she knows that he or she can avoid the necessity of
17 using such force with complete safety (1) by retreating, except that the
18 actor shall not be required to retreat if [he or she] the actor is in his or
19 her dwelling, as defined in section 53a-100, or place of work and was
20 not the initial aggressor, or if [he or she] the actor is a peace officer, a
21 special policeman appointed under section 29-18b, or a motor vehicle
22 inspector designated under section 14-8 and certified pursuant to
23 section 7-294d, or a private person assisting such peace officer, special
24 policeman or motor vehicle inspector at his or her direction, and acting
25 pursuant to section 53a-22, as amended by this act, or a sworn agent or
26 sworn uniformed division officer of the United States Secret Service, or
27 (2) by surrendering possession of property to a person asserting a
28 claim of right thereto, or (3) by complying with a demand that he or
29 she abstain from performing an act which he or she is not obliged to
30 perform.

31 Sec. 2. Section 53a-22 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2011*):

33 (a) For purposes of this section, a reasonable belief that a person has
34 committed an offense means a reasonable belief in facts or
35 circumstances which if true would in law constitute an offense. If the
36 believed facts or circumstances would not in law constitute an offense,
37 an erroneous though not unreasonable belief that the law is otherwise
38 does not render justifiable the use of physical force to make an arrest
39 or to prevent an escape from custody. A peace officer, special
40 policeman appointed under section 29-18b, sworn agent or sworn
41 uniformed division officer of the United States Secret Service, motor
42 vehicle inspector designated under section 14-8 and certified pursuant
43 to section 7-294d or authorized official of the Department of Correction
44 or the Board of Pardons and Paroles who is effecting an arrest
45 pursuant to a warrant or preventing an escape from custody is justified
46 in using the physical force prescribed in subsections (b) and (c) of this
47 section unless such warrant is invalid and is known by such officer,
48 policeman, agent, inspector or official to be invalid.

49 (b) Except as provided in subsection (a) of this section, a peace
50 officer, sworn agent or sworn uniformed division officer of the United
51 States Secret Service, special policeman appointed under section 29-
52 18b, motor vehicle inspector designated under section 14-8 and
53 certified pursuant to section 7-294d or authorized official of the
54 Department of Correction or the Board of Pardons and Paroles is
55 justified in using physical force upon another person when and to the
56 extent that he or she reasonably believes such force to be necessary to:
57 (1) Effect an arrest or prevent the escape from custody of a person
58 whom he or she reasonably believes to have committed an offense,
59 unless he or she knows that the arrest or custody is unauthorized; or
60 (2) defend himself or herself or a third person from the use or
61 imminent use of physical force while effecting or attempting to effect
62 an arrest or while preventing or attempting to prevent an escape.

63 (c) A peace officer, sworn agent or sworn uniformed division officer
64 of the United States Secret Service, special policeman appointed under
65 section 29-18b, motor vehicle inspector designated under section 14-8
66 and certified pursuant to section 7-294d or authorized official of the
67 Department of Correction or the Board of Pardons and Paroles is
68 justified in using deadly physical force upon another person for the
69 purposes specified in subsection (b) of this section only when he or she
70 reasonably believes such force to be necessary to: (1) Defend himself or
71 herself or a third person from the use or imminent use of deadly
72 physical force; or (2) effect an arrest or prevent the escape from
73 custody of a person whom he or she reasonably believes has
74 committed or attempted to commit a felony which involved the
75 infliction or threatened infliction of serious physical injury and if,
76 where feasible, he or she has given warning of his or her intent to use
77 deadly physical force.

78 (d) Except as provided in subsection (e) of this section, a person who
79 has been directed by a peace officer, sworn agent or sworn uniformed
80 division officer of the United States Secret Service, special policeman
81 appointed under section 29-18b, motor vehicle inspector designated

82 under section 14-8 and certified pursuant to section 7-294d or
83 authorized official of the Department of Correction or the Board of
84 Pardons and Paroles to assist such peace officer, agent, officer, special
85 policeman, motor vehicle inspector or official to effect an arrest or to
86 prevent an escape from custody is justified in using reasonable
87 physical force when and to the extent that he or she reasonably
88 believes such force to be necessary to carry out such peace officer's,
89 agent's, officer's, special policeman's, motor vehicle inspector's or
90 official's direction.

91 (e) A person who has been directed to assist a peace officer, sworn
92 agent or sworn uniformed division officer of the United States Secret
93 Service, special policeman appointed under section 29-18b, motor
94 vehicle inspector designated under section 14-8 and certified pursuant
95 to section 7-294d or authorized official of the Department of Correction
96 or the Board of Pardons and Paroles under circumstances specified in
97 subsection (d) of this section may use deadly physical force to effect an
98 arrest or to prevent an escape from custody only when: (1) [He or she]
99 The person reasonably believes such force to be necessary to defend
100 himself or herself or a third person from what he or she reasonably
101 believes to be the use or imminent use of deadly physical force; or (2)
102 [he or she] the person is directed or authorized by such peace officer,
103 agent, officer, special policeman, motor vehicle inspector or official to
104 use deadly physical force, unless he or she knows that the peace
105 officer, agent, officer, special policeman, motor vehicle inspector or
106 official himself or herself is not authorized to use deadly physical force
107 under the circumstances.

108 (f) A private person acting on his or her own account is justified in
109 using reasonable physical force upon another person when and to the
110 extent that he or she reasonably believes such force to be necessary to
111 effect an arrest or to prevent the escape from custody of an arrested
112 person whom he or she reasonably believes to have committed an
113 offense and who in fact has committed such offense; but he or she is
114 not justified in using deadly physical force in such circumstances,

115 except in defense of person as prescribed in section 53a-19, as amended
116 by this act.

117 Sec. 3. Section 53a-23 of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective October 1, 2011*):

119 A person is not justified in using physical force to resist an arrest by
120 a reasonably identifiable peace officer, special policeman appointed
121 under section 29-18b, sworn agent or sworn uniformed division officer
122 of the United States Secret Service, or motor vehicle inspector
123 designated under section 14-8 and certified pursuant to section 7-294d,
124 whether such arrest is legal or illegal.

125 Sec. 4. Section 54-170 of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective October 1, 2011*):

127 The arrest of a person may be lawfully made also by any peace
128 officer, sworn agent or sworn uniformed division officer of the United
129 States Secret Service, or a private person, without a warrant, upon
130 reasonable information that the accused stands charged in the courts of
131 a state with a crime punishable by death or imprisonment for a term
132 exceeding one year, but when so arrested the accused shall be taken
133 before such a judge with all practicable speed and complaint shall be
134 made against him or her under oath setting forth the ground for the
135 arrest as in section 54-169; and thereafter his or her answer shall be
136 heard as if he or she had been arrested on a warrant.

137 Sec. 5. (NEW) (*Effective October 1, 2011*) Any sworn agent of the
138 United States Secret Service may obtain and serve search warrants and
139 arrest warrants for financial crimes, and make arrests without warrant
140 for a felony committed in such agent's presence, if he or she has
141 probable cause to believe that the arrested person has committed, or is
142 committing, such offense. Any such agent executing the powers
143 authorized pursuant to this section, except when using deadly physical
144 force, shall be deemed to be acting in the capacity of a peace officer, as
145 defined in section 53a-3 of the general statutes. For purposes of this

146 section, "financial crimes" includes a violation of sections 53-388a, 53a-
147 122 to 53a-125b, inclusive, 53a-127b, 53a-128, 53a-128b to 53a-128g,
148 inclusive, 53a-129a to 53a-129e, inclusive, 53a-138 to 53a-142, inclusive,
149 53a-252 to 53a-256, inclusive, and 53a-276 to 53a-279, inclusive, of the
150 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	53a-19(a) and (b)
Sec. 2	<i>October 1, 2011</i>	53a-22
Sec. 3	<i>October 1, 2011</i>	53a-23
Sec. 4	<i>October 1, 2011</i>	54-170
Sec. 5	<i>October 1, 2011</i>	New section

Statement of Purpose:

To grant sworn agents and sworn uniformed officers of the United States Secret Service certain enforcement powers and protections currently afforded to peace officers, as defined in section 53a-3 of the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. JUTILA, 37th Dist.

H.B. 5491